

## STATEMENT OF UNDERSTANDING INDEPENDENT ADOPTIONS PROGRAM

You will be consenting to the adoption of your child by signing the consent to adoption. Consenting means you intend to give your child permanently to the petitioner(s) to raise as his/her/their own. When the adoption petition is granted, you will no longer have any rights as a parent to the child.

Before you sign the consent to adoption, read each of the attached statements in consultation with the agency or California Department of Social Services representative.

Be sure to ask questions about any statement you do not understand. Consenting to the adoption of your child is an extremely important decision. You should know all the facts before making your decision.

### Instructions To Complete The Statement Of Understanding:

**BEFORE YOU SIGN THIS STATEMENT OF UNDERSTANDING AND THE CONSENT TO ADOPTION, READ BOTH VERY CAREFULLY WITH THE AGENCY REPRESENTATIVE. BE SURE TO ASK QUESTIONS ABOUT ANYTHING YOU DO NOT UNDERSTAND.**

1. *Complete this Statement of Understanding only after you have carefully thought about giving up your child and you are sure that you want your child adopted by the petitioner(s) and raised by him/her/them.*
2. *Read each of the statements in this document very carefully. If you do not understand a statement, ask the agency representative to explain it to you until you do understand.*
3. *If you understand and agree with a statement, put your initials in the box next to the number of that statement.*
4. *If you do not agree, or if you do not understand a statement after the agency representative's explanation, do not initial the box. Ask for more help and time in making your decision.*
5. *If you have initialed all the boxes, sign your name at the end. Since you are the parent of an Indian child, you must sign this Statement of Understanding before a judge of the Superior Court in California or if signed outside the State of California, a judge of another suitable court.*
6. *You will receive a copy of this Statement of Understanding and the consent to adoption when it has been completed.*

**THIS FORM MUST BE USED WITH ONE OF THE FOLLOWING FORMS:  
AD 859 or AD 860**

## STATEMENT OF UNDERSTANDING

### Parent Who Did Not Give Physical Custody of the INDIAN Child to the Petitioner(s)

- ☐ 1. I have carefully considered the reasons for consenting to the adoption of \_\_\_\_\_  
NAME OF CHILD  
by \_\_\_\_\_  
NAME(S) OF THE PETITIONER(S).
- ☐ 2. I understand because my child has been determined to be an Indian child the requirements of the Indian Child Welfare Act will apply to the taking of my consent and the adoption of the child.
- ☐ 3. I understand according to the Indian Child Welfare Act the best place for my child to live if he/she cannot be with me would be with a member of his/her extended family. If that is not possible, the next choice would be other members of my child's tribe. If placement with the tribe is not possible, the third choice would be with another Indian family.
- If I do not wish to follow any of these placement choices, I must tell the court. The court must make the final decision as to whether this placement order will be changed.
- ☐ 4. I understand I have the right to look for a lawyer to help me in the Independent Adoption process and that the petitioner(s) may be required to pay the cost, up to \$500 unless the petitioner(s) and I agree to a higher amount, of such legal counsel.
- ☐ 5. I understand I may talk about my plan to give up my child for adoption with other professional people, my family, and friends.
- ☐ 6. I understand if I am not sure I want to give up my child for adoption, there are other places the agency can refer me to that could help me with family, health, money, and other problems.
- ☐ 7. I understand if I do not consent to the adoption, I may sign a Refusal to Give Consent to Adoption form (AD 20) or write a letter to the adoption agency and the adoption agency will report to the court that I do not want my child to be adopted by the petitioner(s).
- ☐ 8. I understand if I do not sign the consent to adoption I may request the right to physical custody of the child in court. I probably will need a lawyer to help me do this.
- ☐ 9. I understand because I am the parent of an Indian child if I should change my mind about the adoption after signing the consent to adoption, I may withdraw the consent to adoption before the adoption is granted by the court and my child will be returned to me.
- ☐ 10. I understand I shall remain legally responsible for my child until the adoption is granted by the court. If the child is not adopted, the agency will notify me and request that I make other plans for the child. I understand I must keep the agency informed of my address.
- ☐ 11. I have received enough information about the petitioner(s) and about my child's adjustment in the petitioner(s) family, and I wish to proceed with signing the consent to adoption.
- ☐ 12. I understand I shall no longer be my child's legal parent once the adoption is granted in court. This means that:
- A. I shall no longer be responsible for the care of my child;
  - B. The petitioner(s) will be the parent(s) and will be legally responsible for caring for my child; and

C. I shall no longer have any right to the custody, services or earnings of my child.

- ☐ 13. I understand because I am the parent of an Indian child I will be told immediately if my child's other parent asks to take back his/her consent to adoption and of any court proceedings because he/she is asking to take back the consent to adoption.

A. I understand I must keep the adoption agency informed of my address if I want to receive this notice.

- ☐ 14. I understand because I am the parent of an Indian child if any agency or person goes to court to take away the rights as a parent of my child's other parent, my child's tribe will be told and may step into the proceedings.

- ☐ 15. I understand because I am the parent of an Indian child the adoption agency has to tell me if the adoption is withdrawn, dismissed, or denied or if the adoption is set aside or the adoptive parent(s) agree(s) to the ending of his/her/their rights as parent(s) to my child. I know that the notice will be given to me in writing.

A. I understand I must keep the adoption agency informed of my address if I want to receive this notice.

- ☐ 16. I understand because I am the parent of an Indian child if my child's tribe has a tribal court that is able to hear child proceedings, I, my child's other parent, or the tribe may ask the court to have all court proceedings about my child moved to the tribal court. This will not take place if I, the other parent, or the tribe does not want it to, or if the court finds good reason not to move the proceedings.

- ☐ 17. I understand if I ask the agency which investigates the proposed adoption for information at any future time, the agency must give me all known information about the status of my child's adoption, including the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of my child is again being considered.

- ☐ 18. I understand after my child's adoption has been granted in court all inheritance rights from any blood relatives will end unless they have made arrangements in his/her/their will or in a trust which specifically includes my child. My child will legally inherit from his/her adoptive parent(s). However, my child may still be able to get benefits from his/her tribe or Bureau of Indian Affairs' services because he/she is an Indian.

- ☐ 19. I understand the adoption agency will take the necessary steps to obtain a Certificate of Degree of Indian Blood for my child and may enroll my child in his/her tribe or register him/her for any Bureau of Indian Affairs' benefits that he/she may be able to get.

- ☐ 20. I understand after my child has been legally adopted I cannot reclaim my child.

- ☐ 21. I understand the adoption agency may release identifying information from the adoption case record only when:

- A. It has been requested by certain agencies as named in law because the information is needed to help my child;
- B. My child, when he/she is an adult, and I have signed forms agreeing to the release of identifying information so that contact can be arranged;
- C. My child has reached 21 years of age, asks for my identity and I have agreed in writing to the release of my identity and most current address in the adoption agency's record;
- D. My child has reached 21 years of age and has indicated in writing that I may have his/her adopted name and most current address as indicated in the adoption agency's records and I have asked for this information; or
- E. My child is under 21 years of age and the adoption agency has found that the release of my identity and most current address as indicated in the agency's record is justified according to law.

- ☐ 22. I understand because my child is an Indian the adoption agency may also release information about the adoption only when:
- A. My child reaches 18 years of age and asks the court that granted the adoption for information about my tribal affiliation and any other information needed to protect any tribal rights he/she may have.
  - B. The Secretary of the Interior has asked for the information.
    - 1. I understand if I want to stay unknown I must file a paper with the court asking that information about me not be released.
    - 2. I understand that even though the Indian Child Welfare Act requires the Secretary of the Interior to make sure information on the adoption of my child stays confidential, tribes do not always keep information confidential if they find out about the adoption.
  - C. My child is over 18 years of age, his/her adoptive parent(s), or tribe asks the Secretary of the Interior to release information to enroll my child in the tribe or to decide whether my child has any rights or benefits from the tribe.
    - 1. I understand if I have filed a paper with the court asking information about me not be released, the Secretary of the Interior will certify that my child may be enrolled in the tribe instead of releasing the information.
  - D. My child when he/she reaches 18 years of age or the Bureau of Indian Affairs asks for a copy of all papers about the degree of Indian blood of my child and tribal enrollment.
- ☐ 23. I understand I shall be able, at any time, to add information about myself to the record of the agency that investigates the independent adoption.
- ☐ 24. I understand the court may, after considering a request, release identifying information from the court's adoption file.
- ☐ 25. I understand if I think I was deliberately not told the truth about giving my child for adoption, I have three years after the date the adoption was completed to ask the court to set aside the adoption of my child.
- ☐ 26. I understand as the parent of an Indian child I may ask the court to stop any action ending my rights as a parent if the action did not follow the Indian Child Welfare Act.
- ☐ 27. I understand I must sign the consent to adoption before a judge of the Superior Court (or other suitable court if I sign it outside the State of California).
- ☐ 28. I have carefully thought about the reasons for keeping or giving up my child. I have decided that giving up my child to the petitioner(s) for adoption is in the best interest of my child. I have read and understand this Statement of Understanding and the consent to adoption. I do not need any more help or time to make my decision. I have decided to consent to the adoption of my child by the petitioner(s) and I am signing this freely and willingly.

I, \_\_\_\_\_, mother/father of \_\_\_\_\_,  
NAME OF PARENT NAME OF CHILD

understand and agree to the statements I have initialed above.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF PARENT

**Complete SECTION A if signed in California (must also complete Section C)**

**SECTION A:**

I, \_\_\_\_\_, an authorized official of  
NAME AND TITLE  
\_\_\_\_\_, having witnessed the signing of this Statement  
NAME OF AGENCY  
of Understanding by \_\_\_\_\_ on \_\_\_\_\_  
NAME OF CONSENTING PARENT DATE

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED OFFICIAL

**Complete SECTION B if signed out of California (must also complete Section C)**

**SECTION B:**

STATE OF \_\_\_\_\_ )  
\_\_\_\_\_) )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
NAME OF AUTHORIZED OFFICIAL  
\_\_\_\_\_, an  
TITLE of the \_\_\_\_\_,  
NAME OF AGENCY  
organization licensed or otherwise approved to provide adoption services under the laws of \_\_\_\_\_,  
NAME OF STATE  
personally appeared \_\_\_\_\_, personally known to me (or proved to  
NAME OF CONSENTING PARENT

me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED OFFICIAL

**Complete SECTION C if signed in or out of California**

**SECTION C:**

The terms and consequences of the voluntary signing of the Statement of Understanding and consent to adoption, including the right to withdraw the consent to adoption prior to the signing of the decree of adoption, were fully explained in detail to and understood by the parent of this Indian child. The explanation was given by the agency representative whose signature is affixed above, in my presence, and in a language understood by the parent.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF JUDGE

\_\_\_\_\_  
SUPERIOR COURT